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COMPLETE WITHDRAWAL OF FOREIGN MILITARY FORCES FROM THE TERRITORIES OF THE BALTIC STATES

Report of the Secretary-General

I. INTRODUCTION

1. One of the major issues of concern to the Baltic States is the withdrawal of the armed forces of the former Soviet Union from Estonia, Latvia and Lithuania. Following the recognition of the restoration of their independence by the Russian Federation on 24 August 1991, and by the Soviet Union on 6 September 1991, the Baltic States pressed for the removal of the Soviet (now Russian) armed forces from their respective territories.

2. Several rounds of negotiations on the subject were held between the delegations of Estonia, Latvia and Lithuania and the Russian Federation during 1992 and 1993, following the declaration by the latter, on 16 January 1992, that it had assumed jurisdiction over the former Soviet troops deployed in the Baltic States. All four Governments agreed that the issues to be negotiated would be the complete withdrawal of those troops from the three Baltic States, as well as issues regarding the Russian population, former Soviet property, transfer of part of the former Soviet forces' weapons to the three republics and territorial questions. Despite the general understanding that the Russian troops should be removed from the region, no agreements on the terms of their withdrawal were reached.

3. An item on the complete withdrawal of foreign military forces from the territories of the Baltic States was included in the agenda of the forty-seventh session of the General Assembly. By its resolution 47/21 of 25 November 1992, which was adopted without a vote, the Assembly, inter alia, called upon all States concerned "to conclude without delay appropriate agreements, including timetables, for the early, orderly and complete withdrawal of foreign military forces from the territories of Estonia and Latvia". The General Assembly also urged the Secretary-General to use his good offices to facilitate the complete withdrawal of foreign military forces from the territories concerned, and requested the Secretary-General to keep Member States informed of progress

towards the implementation of the resolution and to report thereon to it at its forty-eighth session.

II. ACTIVITIES OF THE SPECIAL ENVOY OF THE SECRETARY-GENERAL

4. Pursuant to resolution 47/21, I kept myself closely informed on the continuing negotiations between the three Baltic States and the Russian Federation. In August 1993, I appointed Professor Tommy Koh, Ambassador-at-Large in the Ministry of Foreign Affairs of Singapore, as my Special Envoy to lead a good offices mission to the Russian Federation, Lithuania, Latvia and Estonia, and to report to me on how I might most effectively use my good offices. The mission visited all four States from 29 August to 9 September 1993.

5. Prior to leaving New York, the mission held consultations from 24 to 27 August 1993 with the representatives of Estonia, Latvia, Lithuania and the Russian Federation, as well as with those of Denmark, Finland, Germany, Poland, Sweden and the United States of America.

Consultations in Moscow

6. In Moscow, the mission met with officials of the Foreign and Defence Ministries, as well as members of Parliament, including Mr. Stepashin, Chairman of the Parliament's Commission on Defence and Security, Deputy Defence Minister B. Gromov and the heads of the Russian Federation's three negotiating teams, Ambassadors S. Zotov (Latvia), V. Isakov (Lithuania) and V. Svirin (Estonia). The mission also paid a visit to a military camp outside Moscow to see the housing conditions of troops and their families who had been withdrawn from Lithuania.

Visit to Lithuania

7. In Lithuania, the mission met with Mr. A. Brazauskas, the President of Lithuania, with the Chairman of Parliament, Mr. C. Jursenas, with the Ministers of Foreign Affairs and National Defence and with the Lithuanian negotiating team. It also held a meeting with representatives of retired Russian military personnel and inspected a military camp from which Russian troops had been withdrawn.

Visit to Latvia

8. In Latvia the mission met with Mr. G. Ulmanis, the President of Latvia, and with the Chairmen of the Parliamentary Committees on Human Rights, Foreign Relations, Defence and Interior Affairs and National Security. The mission also met with the Foreign Minister and with the Latvian negotiating team, as well as with officials of the Russian North-West Military Group and with retired Russian military officers.

9. In addition, by special arrangement with Russian and Latvian military officials, the Special Envoy was able to inspect two Russian strategic installations in Latvia: the naval base at Liepaja and an anti-ballistic missile early-warning radar station at Skrunda.

Visit to Estonia

10. In Estonia the Special Envoy met with Mr. L. Meri, the President of Estonia, and the Prime Minister, Mr. M. Laar, and held consultations with the Minister of Defence, who is the head of the Estonian negotiating team, with the Minister of Foreign Affairs and with the Minister of the Environment. The Special Envoy also met with retired Russian military personnel and was briefed by the Head of the human rights mission to Estonia of the Conference on Security and Cooperation in Europe (CSCE).

11. The mission was given an opportunity to inspect a Russian submarine training centre at Paldiski and to discuss with Russian and Estonian officials problems related to the removal of nuclear reactors located there.

Return to Moscow

12. After visiting the three Baltic States, the Special Envoy resumed his consultations in Moscow. In particular, he met again with the heads of the three Russian negotiating teams, with the Deputy Foreign Minister, Mr. V. Churkin, and with Mr. S. Krasavchenko, First Deputy Head of the Administration of the President of the Russian Federation.

III. CURRENT STATE OF THE NEGOTIATIONS

13. Russian officials confirmed to my Special Envoy their readiness to withdraw their remaining troops from Estonia and Latvia. The only outstanding problems are the terms and conditions of their withdrawal and the satisfactory resolution of some related issues. Since 1992, the Russian Federation has withdrawn most of its combat units from the Baltic States. However, as the remaining troops in Estonia and Latvia are among the last to be brought back to the Russian Federation from countries in Eastern Europe, the problem of finding adequate housing for them is particularly acute. The question of troop withdrawal has become a domestic political issue in all the countries concerned.

A. Lithuania

14. The last Russian combat unit was withdrawn from Lithuania on 31 August 1993. Only a few hundred unarmed Russian troops remain to take care of military hospitals and other administrative details. These will be withdrawn shortly. As far as Lithuania is concerned, therefore, the objective of General Assembly resolution 47/21 has almost been achieved. The two remaining major issues to be resolved are the status and social benefits of retired Russian military personnel and the right of transit by the Russian Federation through Lithuania to the Kaliningrad Oblast.

B. Estonia

15. In Estonia approximately 5,000 Russian troops remain. There has been no agreement between the Russian Federation and Estonia on a deadline for their total withdrawal. Unlike in the case of Lithuania, the Russian Federation has

said that it will not agree to withdraw its remaining troops from Estonia until binding legal agreement on outstanding issues has been achieved. Estonia has accepted this condition, provided, of course, that the substance of such an agreement is acceptable. The Russian Federation has further linked the date of withdrawal with two other issues:

(a) The status and social benefits of retired Russian military personnel;

(b) An agreement on the submarine training centre at Paldiski.

Date of withdrawal

16. Regarding the date of withdrawal, the Estonian authorities wish all Russian troops to be withdrawn before the end of 1993. The Russian Federation has offered to withdraw them by the end of 1994, explaining that, although the number of troops to be withdrawn is not large, accommodation for them and their families has not yet been built. The Government of Estonia has expressed its willingness to participate in a multinational effort to build the necessary housing.

Retired Russian military personnel

17. The second issue concerns the status and social benefits of approximately 52,000 retired Russian military personnel in Estonia. Most of them would like to continue to reside in that country. However, they fear that article 12, paragraph 4, subparagraph 7, of the Law on Aliens could lead to their expulsion. This subparagraph reads:

"(4) A residence permit shall not be issued to an alien:

"...

"(7) Who has served in a career position in the armed forces of a foreign State or has entered the reserve forces or has retired from a career position in the armed forces of a foreign State, nor to his or her family members, who have entered Estonia in conjunction with the service or retirement of a member of such armed forces."

18. The Government of Estonia is now preparing a decree to implement the Law on Aliens. This decree would permit all affected persons over the age of 60 to reside in Estonia. Those below the age of 60 would be treated on a case-by-case basis and certain individuals, in particular those who had acted against the Estonian State and its security, would be denied residence permits.

19. The United Nations and CSCE missions have recommended to the Estonian authorities that they consider a provision under which all those who had retired before a cut-off date, such as the date on which Estonia regained its independence, would be entitled to residence permits. This would ensure that the retired Russian military personnel would no longer enjoy special rights and privileges but would not be discriminated against and would be treated with fairness and humanity. In the Special Envoy's view, if they wish to become Estonian citizens they must be loyal to Estonia, learn its language and respect its culture. It should be noted that the Law on Aliens itself has a specific

clause that deals with persons who have acted against the Estonian State and its security and with other objectionable persons.

Paldiski

20. The third issue in Estonia concerned Paldiski, where the Soviet Union maintained an important submarine training centre that has since been closed. There are two nuclear-powered submarines at the centre. Their nuclear reactors have been deactivated, but the question that divides the two sides concerns the amount of time it would take the Russian authorities to remove the nuclear fuel rods from the two reactors, to remove the nuclear waste in storage, to remove the reactors and other secret military matériel and to clean up the site ecologically. The Government of Estonia has built a rail link to Paldiski, which would make it possible to remove the reactors and nuclear materials by rail. The two submarines are located in a building four kilometres from the port. It might be feasible to bring them to the port and tow them to Saint Petersburg.

21. In any case, the Estonian authorities believe that it would take only a few months for the Russian authorities to remove the nuclear fuel rods, nuclear reactors and other military equipment. If necessary, the Government of Estonia has expressed its readiness to consider the possibility of asking for the help of the International Atomic Energy Association (IAEA) and of friendly Governments, such as Sweden, to help with the nuclear decontamination of Paldiski. On the other hand, the Russian side claims that the task could not be completed before 1996 or even 1999.

Conclusion

22. My Special Envoy and I are reasonably optimistic that a fair and balanced agreement between Estonia and the Russian Federation, embracing all three elements, can be achieved. On the date of final withdrawal, a compromise between the two sides' positions is feasible. On the status and social benefits of retired Russian military personnel, a reasonable response to Russian concerns would be for Estonia to accept CSCE and United Nations suggestions with regard to the decree that is being formulated to implement the Law on Aliens. An earlier date for the withdrawal of troops from Estonia, especially those at Tallinn, could enable Estonia to be more flexible on other issues. As for Paldiski, the issue is, in essence, technical and not political. Given goodwill on both sides and a willingness to accommodate each other, I am confident that a practical solution can be worked out within a much shorter time-frame than that suggested by the Russian side.

C. Latvia

23. The Russian Federation and Latvia have agreed to negotiate a legally binding agreement providing for the withdrawal of Russian troops from Latvia. So far, the two sides have not been able to agree on a date. Latvia wishes all Russian troops to leave its territory before the end of 1993. The Russian Federation has offered the end of 1994. In this case also, the Russians have explained that they need the longer period because of the acute shortage of

housing in the Russian Federation to accommodate the returnees and because there are some 18,000 troops left in Latvia.

24. The Russian Federation seeks a comprehensive agreement consisting of an agreed date for troop withdrawal, agreement on the status and social benefits of retired Russian military personnel and agreement(s) on three "strategic" facilities, at Skrunda, Venspils and Liepaja.

Date of withdrawal

25. The date for the withdrawal of Russian troops from Latvia is politically and psychologically important to the Latvian authorities. With this in mind, it would be helpful if the Russian side could consider advancing its proposed date, while taking into account the logistical realities of finding accommodation in the Russian Federation for the 18,000 troops and their families. The Latvian side and the international community could help by accelerating the building of housing in the Federation for the returnees.

Retired Russian military personnel

26. The issue of the status and social benefits of retired Russian military personnel in Latvia is difficult for a number of reasons. One is that Latvia has not yet enacted a citizenship law. It is my hope that before this is done Latvia will take into account the views and recommendations made by missions sent by the United Nations, the Council of Europe and CSCE and act positively and expeditiously on the matter.

27. Secondly, the Chairman of the Parliamentary Committee on Human Rights, Ms. Inese Birzniece, told my Special Envoy that there are several points outstanding in the negotiations on the draft agreement on the status and social benefits of retired Russian military personnel.

28. The first point is the cut-off date separating those retirees who are entitled to permanent residence and those who are not. The Latvian side has proposed 4 May 1990 as the cut-off date. The Russian side has counterproposed 28 January 1992, the day on which negotiations began. The former date, being the day on which Latvia regained its independence, would seem the more logical.

29. The second point concerns the fear expressed by some retired persons that they might suffer discrimination. Ms. Birzniece assured the Special Envoy that a law would be passed to ensure that retired Russian persons would be treated equally with Latvian citizens and other residents. In addition she stated that she would propose the creation of an ombudsman and a consultative council on nationalities under the Ministry of Justice.

30. The third point concerns property rights. At present, only cooperative apartments built after 1940 may be privatized. There is a seven-year period during which former owners of such apartments may file claims against their present owners. This means that the Russian owners of such apartments would have to wait seven years before they could sell them. As there is no privatization law in Latvia, the Latvian delegation has objected to a Russian proposal to include in the agreement on the social status and benefits of retired persons provisions on the right to privatize apartments. My Special

Envoy has suggested to Ms. Birzniece that the Latvian Parliament should enact, as expeditiously as possible, a general law on the privatization of apartments.

31. The fourth point relates to health care. Retired Russian persons are naturally concerned about their access to health care after the departure of Russian troops and the closure of Russian military hospitals. The Russian side has proposed to establish, as a replacement for military hospitals, joint ventures that would employ both Latvian and Russian medical personnel and would provide medical treatment for retired military personnel and for other residents of Latvia. The Latvian authorities acknowledge that retired Russian persons residing in the country should have equal access to health care; however, as is the case in Estonia and Lithuania, they oppose the establishment of such joint ventures.

Strategic facilities

32. Russia's three strategic facilities in Latvia constitute another difficult item on the negotiating agenda.

Liepaja

33. Russia has asked Latvia for a special agreement that would permit the retention of Liepaja naval base for a period of five to six years after the date for troop withdrawal. However, during his visit to the port and naval base the Special Envoy was not convinced of its strategic value to the Russian Federation. He was also led to believe that a timetable for the withdrawal of the Russian Navy from Liepaja by the end of 1994 had in fact been drawn up by the Commander of the Baltic Fleet. Thereafter, the Russian Federation wished to reserve the right for Russian warships and merchant ships to visit the port and enjoy the use of its facilities.

Skrunda

34. In the 1960s the Soviet Union built an anti-ballistic missile early-warning system at Skrunda. According to its present Commander, Skrunda covers a segment of the sky that is not covered by any other anti-ballistic missile early-warning system in the Russian Federation. If Skrunda were shut down, it would thus leave a gap in the Federation's anti-ballistic missile defences. For this reason, the Russian Federation has requested Latvia to consider a special lease agreement, by which the Federation would compensate Latvia for being allowed to continue to operate the facility. The Russian authorities have said that they would need 8 to 10 years to build a facility inside Russian territory to replace Skrunda. The Latvians are not sympathetic to the Russian request. They have doubts about the strategic significance of Skrunda and believe that the segment of sky it covers is also covered by other anti-ballistic missile early-warning stations. Latvia's position is that it will consider the retention of the facility at Skrunda only if it comes under international control. The gap between the positions of the Russian Federation and Latvia over Skrunda is wide and will not be easy to bridge. However, my Special Envoy is convinced that with good will on both sides this issue could be resolved.

Venspils

35. According to the Russian authorities, the purpose of the facility at Venspils is to monitor space objects. According to Latvia, the purpose of the facility is to monitor communications in northern Europe, especially among the Scandinavian countries. There is therefore disagreement between the two sides over the nature of the facility and its strategic significance, if any, to the Russian Federation. The latter has requested Latvia to consider a lease agreement for a period of six years. An independent and authoritative assessment of the nature of the facility, its strategic significance to the Russian Federation, if any, and the time it would take for the Federation to replicate it on Russian territory (if she so chose), would be a useful contribution to the negotiations.

Conclusion

36. Although the negotiations between Latvia and the Russian Federation are difficult, my Special Envoy and I believe that it will be possible for the two countries to reach agreement on all three issues if the two sides demonstrate the political will to compromise, if the Russian Federation is prepared to treat Latvia as a fully sovereign and independent State, if Latvia is prepared to take into account practical and political factors of importance to the Russian Federation and if both countries share the vision of building a new future based on sovereign equality, mutual benefit and good-neighbourliness. The Russian personnel who wish to remain in Latvia, like those in Estonia, must be prepared to make the necessary psychological, linguistic and cultural adjustments. At the same time, the continued presence of Russian combat troops at Riga, the capital of Latvia, is understandably offensive to the people of that country. An early withdrawal of those troops would be a gesture of goodwill that would contribute greatly to a successful conclusion of the negotiations.

IV. OBSERVATIONS

37. Following the departure of my Special Envoy from the area, further rounds of negotiations were held between Estonia and the Russian Federation, on 14 and 15 September, and between Latvia and the Russian Federation, on 27 and 28 September. However, no major progress was achieved on the issue of troop withdrawal. In continuation of his mandate, the Special Envoy proposed to the countries concerned that he should resume his consultations with them at the deputy minister level in New York at the end of September or in early October, in order to seek compromises on the outstanding issues related to troop withdrawal. The Russian side replied that it was unable to send representatives to such meetings.

38. Continuing delay in completing the withdrawal of foreign military forces from the territories of the Baltic States is rightly a matter of concern to the international community. It threatens good relations between those States and their large and powerful neighbour and it distracts them from the priority tasks of consolidating their restored independence, rebuilding their economies and healing the wounds of the past.

39. I urge Member States and regional organizations, such as CSCE and the Council of Europe, to continue to take all possible actions to help resolve the remaining questions. In particular I commend Estonia, Latvia, Lithuania, Denmark, Norway, the United States of America and other countries that have joined in a multinational effort to help the Russian Federation build the necessary housing for troops and their families returning from the Baltic States. The faster this housing programme can be implemented, the sooner the Russian Federation will be able to withdraw its remaining troops from Estonia and Latvia. The countries directly concerned can also help by avoiding any statements or actions that may be perceived as provocative or unfriendly. Instead, they should make goodwill gestures towards each other in order to improve the atmosphere for continuing negotiations.

40. For my part, I remain ready to provide my good offices, both directly and through my Special Envoy, to facilitate the early and complete withdrawal of foreign military forces from the territories of the Baltic States in an orderly manner.